

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:18 CR 264 RWS
)	
HEATHER MCDORMAN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On January 1, 2025, Defendant Heather McDorman filed a motion seeking a reduced sentence under Amendment 821 of the United States Sentencing Guidelines. On May 30, 2019, McDorman pleaded guilty to five counts of production of child pornography, in violation of 18 U.S.C. § 2251(a) and § 2251(e); and to two counts of attempted production of child pornography, in violation of 18 U.S.C. § 2251(a) and § 2251(e). On October 30, 2020, I sentenced McDorman to a term of imprisonment of 288 months to be followed by a lifetime of supervised release. McDorman is currently serving her sentence at a Federal Bureau of Prisons (“BOP”) facility, FCI Aliceville, Aliceville, Alabama. Her projected release date is August 29, 2039. See <https://www.bop.gov/inmateloc/> (April 17, 2025).

A court may modify a previously imposed term of imprisonment if the defendant's sentencing range has subsequently been lowered by the United States

Sentencing Commission. 18 U.S.C. § 3582(c)(2). A defendant bears the burden of proving she is eligible for a downward adjustment under the Sentencing Guidelines. United States v. Beridon, 43 F.4th 882, 885 (8th Cir. 2022).

In Amendment 821, the Commission amended two sections of the Guidelines and specified that these amendments should be applied retroactively. U.S.S.G. § 1B1.10(a)(2), (d). The first change limits the impact of § 4A1.1 “status points,” which are criminal-history points added when the defendant committed his offense while under another criminal sentence. U.S.S.G. § 1B1.10 cmt. 7. This change does not apply to McDorman.

Amendment 821 also amended § 4C1.1 by “provid[ing] a decrease of two levels from the [otherwise applicable total] offense level” for defendants with zero criminal history points who meet other criteria. U.S.S.G. § 1B1.10 cmt. 7.

McDorman’s motion ask whether Amendment 821 lowers her applicable imprisonment range by two levels because she had zero criminal history points. McDorman’s original total offense level was a 43 which reflected a sentence of life imprisonment. If Amendment 821 applied to McDorman her total offense level would be reduced to a 41 which reflects a sentencing range of 324-405 months. McDorman’s sentencing range has been lowered.

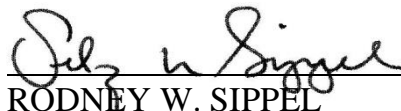
However, Amendment 821 does not apply to McDorman for two reasons. First, a sentence reduction based on an amended guideline range is limited to the

bottom of the amended guideline range under U.S.S.G. § 1B1.10(b)(2)(A). United States v. Koons, 850 F.3d 973, 976 (8th Cir. 2017). The bottom of McDorman's amended guideline range is 324 months. She received a sentence of 288 month which is below the bottom amended guideline range. McDorman cannot receive a further sentence reduction under Amendment 821.

Second, by its terms Amendment 821 does not apply to McDorman. The amendment does not apply to crimes involving sex offenses against a minor, as is the case here. U.S.S.G. § 4C1.1 (a)(5). As a result, McDorman is not eligible for a reduction in her total offense level under Amendment 821.

Accordingly,

IT IS HEREBY ORDERED that Defendant Heather Dorman's motion for a sentence reduction pursuant to Amendment 821 [229] is **DENIED**.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 21st day of April, 2025.